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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,772	02/04/2004	Bo J. Stout	P00802-US-00	5170
22446	7590	10/05/2005		EXAMINER
ICE MILLER				LE, KHANH H
ONE AMERICAN SQUARE				
BOX 82001			ART UNIT	PAPER NUMBER
INDIANAPOLIS, IN 46282				2875

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,772	STOUT ET AL.	
	<b>Examiner</b> Khanh H. Le	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5, and 14-18 is/are rejected.

7)  Claim(s) 6-13 and 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04 February 2004.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the focal point and the optical axis in claim 4, and the plurality of teeth extended toward the vacant center of the ring in claim 19 must be shown, or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 14 and 15 are objected to because of the following informalities:

3. With respect to claim 14, the preamble states "A glare producing shield..."

Should this be a glare reducing shield? In addition, on line 2 of part (b), "the upper are of the beam" should be changed to "the upper area of the beam".

4. With respect to claim 15, on line 2, the commas before and after "a protuberance" should be deleted.

5. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Seko (US Patent No. 4,967,319).

8. With respect to claim 1, Seko teaches a method of reducing reflective glare by determining that a potential reflective glare producing condition exists (Fig. 10, items 13A and 13B) and placing a movable reflective glare reducing shield (items 20C) in the forward beam of a lamp assembly having an illumination field formed by the light exiting the lamp assembly.

9. With respect to claim 2, Seko teaches the step of placing a movable reflective glare reducing shield in the forward beam of a lamp assembly comprises the step of rotating a shield into the forward beam of the lamp (the rotating is done by the threaded shaft which move the shield with respect to the lamp housing), thereby reducing illumination in the ground area of the illumination field.

10. With respect to claim 3, the shield of Seko is opaque.

11. With respect to claim 4, Seko discloses a headlamp assembly having a reflector (1) that has a focal point ( $F_1$ ) and an optical axis (unnumbered), a light source (2) and a lens (3). The light source is placed such that light from the light source impinges upon the reflector and reflects in a forward direction. The lens is located forward of the reflector, such that light reflected by the reflector passes through the lens and exits the lamp assembly in the form of a beam producing an illumination field. The illumination field has an upper area and a foreground area. The headlamp assembly also has a reflective glare reducing shield (item 20) that is moveable between a first position (toward the lens) and a second position (toward the bulb) such that when the shield is in the first position, a first illumination level is produced by the beam of light in the foreground area, and such that when the shield is in the second position, a second illumination level is produced by the beam of light in the foreground area. The second illumination level being less than the first illumination level.

12. With respect to claim 5, Seko discloses the shield (item 20) is moveable between a plurality of positions (Col. 4, lines 16-21) between the first position (toward the lens) and the second position (toward the bulb) such that when the shield is in each of the

plurality of positions, a respective plurality of illumination levels are produced by the beam of light in the foreground area, each of the plurality of illumination levels being greater than the second illumination level and less than the first illumination level.

13. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniuchi et al. (US Patent No. 6,663,270 B2).

14. With respect to claim 14, Taniuchi teaches a glare producing shield for use in a vehicle headlamp assembly having a means for receiving motive force (Fig. 5, gear on item 7), and a means for reducing the illumination (item 7b) in the foreground portion of a light beam without significantly altering the illumination in the upper area of the beam. The means for reducing is operatively connected to the means for receiving and capable of being installed in a vehicle and moved between a first position and a second position such that when the means for reducing is in the first position, a first illumination level is produced in the foreground portion, and such that when the means for reducing is in the second position, a second illumination level is produced in the foreground portion. The second illumination level being less than the first illumination level.

15. With respect to claim 15, Taniuchi discloses the glare reducing shield (item 7) having a vacant center, and a protuberance (item 7b) projecting toward the vacant center.

#### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniuchi et al. (US Patent No. 6,663,270 B2) in view of Rynearson (US Patent No. 2,665,371)

18. With respect to claim 16, Taniuchi teaches the protuberance that is generally in the shape of a semicircle with straight-line edges but does not teach the protuberance is generally in the shape of a partial epicycloid.

Rynearson teaches a glare shield generally in the shape of a partial epicycloid (Fig. 2, item 22). The glare shield blocks the light beam of the headlamp to prevent glare light from glaring approaching motorists and pedestrians, and at the same time, utilizes the blocked light rays to illuminate the road to increase the efficiency of the headlamp (Col. 1, lines 5-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the glare reducing shield of Taniuchi with the glare shield of Rynearson so that the glare light will not effect approaching motorists and pedestrians, and at the same time, utilize the blocked light rays to illuminate the road to increase the efficiency of the headlamp.

19. With respect to claims 17 and 18, Taniuchi discloses the rotatable shield is opaque (Col. 5, line 21-23) and having a plurality of teeth extending away from the ring (7).

***Allowable Subject Matter***

20. Claims 6-13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Watanabe (US Patent No. 5,285,358) have a glare reducing shield, Kobayashi (US Patent No. 5,436,807 and 5,068,768) a headlamp with rotating ring gear, Miyauchi et al. (US Patent No. 4,875,141) a headlamp with adjustable shade, Hamm et al. (US Patent No. 6,059,435) a headlamp with adjustable shade for wet weather, Andre F. de Vigan (US Patent No. 1,389,243) an epicycloid lamp shade, Jones (US Patent No. 5,426,571) headlamp with rotating ring gear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is (571) 272-8325. The examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh H. Le  
Examiner  
Art Unit 2875

KHL



RENEE LUEBKE  
PRIMARY EXAMINER